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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 JOHN MILES ALLISON,
a/k/a ALLISON MOORE,
13 a/k/a KYLE DWAYNE BUTLER,
a/k/a ANTHONY DAVID CORAL,
14 a/k/a MATTHEW PETERSON,
a/k/a DANIEL DEGAN,
15 a/k/a JAMES GIBSON,
a/k/a ALEX JOSEPH,

16 Defendant.
17

Case No. 2:20-mj-00612-EJY

**Stipulation to Continue the Preliminary
Examination Date and Exclude Time Under
the Speedy Trial Act
(First Request)**

18 IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A.

19 Trutanich, United States Attorney, District of Nevada, Christopher Lin, Assistant United States
20 Attorney, representing the United States of America, and Robert M. Draskovich, Esq.,
21 representing Defendant John Miles Allison, that the Preliminary Examination date in the above
22 captioned case, which is currently scheduled for August 10, 2020 at 4:00 P.M., be continued to a
23 date and time convenient for the Court but not less than 30 days from the current setting. The
24 parties also stipulate to an extension of (1) the 30-day period under 18 U.S.C. § 3161(b) in which

1 an indictment or information must be returned, and (2) the 90-day period under 18 U.S.C. §
2 3164(b) for commencing trial for a detained defendant.

3 1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of Nevada
4 issued Temporary General Order 2020-03, which found that due to the outbreak of the
5 coronavirus disease 2019 (“COVID-2019”) in the District of Nevada, the declaration by
6 the Governor of the State of Nevada of a public health emergency due to the spread of
7 COVID-19 in Nevada, and the declaration of local emergencies by local governments due
8 to COVID-19, including Clark County, the Court has sustained “reduced ability to obtain
9 an adequate spectrum of jurors,” and it noted the effects of public health
10 recommendations, including “social distancing measures.” General Order 2020-03
11 accordingly continued all civil and criminal trials until April 10, 2020, pending further
12 order of the Court and found that “the ends of justice are best served by ordering the
13 continuances, which outweighs the best interests of the public and any defendant’s right
14 to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).” On April 9, 2020, Chief Judge Du
15 entered Amended General Order 2020-03, which provided, “the Court has determined
16 that jury trials must be further postponed” without indicating how long the postponement
17 will continue. Amended General Order 2020-03 states further that the “each presiding
18 judge will address any needed continuance of their trial in their individual cases.”

19 2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada
20 issued Temporary General Order 2020-04, which noted that “the COVID-19 pandemic
21 has continued to spread,” resulting in the need for “more aggressive social-distancing
22 measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of the
23 State of Nevada ordered the closure of many business establishments and strongly
24 encouraged all citizens to stay home.” Accordingly, the Court ordered the temporary

1 closure of the Clerk's office, and implemented other changes, including "striving to
2 eliminate in-person court appearances." In the event any hearing must go forward, the
3 Court will conduct the hearing via video or teleconference. On April 29, 2020, the Court
4 issued an amended General Order 2020-04, setting forth certain filing procedures and
5 noting its "plans to incrementally resume in-person court appearances as appropriate
6 based on recommended health guidelines."

7 3. On March 30, 2020, the Court issued Temporary General Order 2020-05, making
8 findings under section 15002(b)(1) of the Coronavirus Aid, Relief, and Economic
9 Security Act ("CARES Act"), authorizing the use of video and telephone for court
10 hearings, and noting that all courtrooms would be physically closed to the parties and
11 the public. On June 25, 2020, the Court issued Amended General Order 2020-05,
12 extending the original order for 90 days, until September 28, 2020.

13 4. Based on the public health emergency brought about by the COVID-2019 pandemic, the
14 required social-distancing measures as recognized in the Temporary General Orders, and
15 the need for additional time to prepare the defense, both during the public health
16 emergency and once the public health emergency is resolved, the parties agree to
17 continue the currently scheduled Preliminary Examination on August 5, 2020, to a date
18 and time convenient for the Court, but not less than 30 days from the current settings.

19 5. This continuance is not sought for purposes of delay, but to account for the necessary
20 social-distancing in light of the COVID-2019 public health emergency, and to allow the
21 defense adequate time to prepare during the public health emergency and following its
22 resolution.

6. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interests of the public and the defendant in a speedy trial.

7. The defendant is incarcerated but does not object to the continuance.

8. This is the parties' first request to continue the Preliminary Examination date.

9. The additional time requested by this stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).

DATED this 29th day of July, 2020.

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Christopher Lin
CHRISTOPHER LIN
Assistant United States Attorney

/s/ Robert Draskovich
ROBERT M. DRASKOVICH
Counsel for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Case No. 2:20-mj-00612-EJY

Plaintiff,

Findings and Order on Stipulation

V.

JOHN MILES ALLISON,

a/k/a ALLISON MOORE,

a/k/a KYLE DWAYNE BUTLER,

a/k/a ANTHONY DAVID CORAL,

a/k/a MATTHEW PETERSON,

a/k/a DANIEL DEGAN,

a/k/a JAMES GIBSON,

a/k/a ALEX JOSEPH,

Defendant.

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. To account for the necessary social-distancing in light of the COVID-2019 public health emergency and to allow the defense adequate time to prepare during and following the resolution of this public health emergency, the Preliminary Examination date in this case should be continued.
2. The parties agree to this continuance.
3. The defendant is incarcerated but does not object to the continuance.
4. This continuance is not sought for purposes of delay.
5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

6. The Speedy Trial Act's indictment clock under 18 U.S.C. § 3161(b) is extended by 30 days.

7. The additional time requested by this stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).

THEREFORE, IT IS HEREBY ORDERED that the Preliminary Examination in the above-captioned matter currently scheduled for August 10, 2020 be vacated and continued to September 9, 2020, at the hour of 4:00 p.m., in Courtroom 3B.

DATED this 29th day of July, 2020.


HONORABLE ELANYA J. YOUCHAH
United States Magistrate Judge